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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,844	04/22/2002	Oliver Zechlin	449122013100	4437
25227	7590	02/09/2005	EXAMINER	
MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 300 MCLEAN, VA 22102			PEREZ, JULIO R	
			ART UNIT	PAPER NUMBER
			2681	

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/018,844	Applicant(s) ZECHLIN, OLIVER	
	Examiner Julio R Perez	Art Unit 2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 29-34 is/are allowed.
- 6) ☒ Claim(s) 18-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/3/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claim 18-34 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 18-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boot (EP0880293) in view of Lee (6216008).

Regarding claim 18, Boot teaches a communications method, comprising:
inputting short message information phone terminal (col. 4, lines 28-3 and 50-58, messages are inserted into the mobile device); transmitting short message information from the mobile terminal via a mobile radiotelephone channel to a corresponding base station (col. 4, lines 34-38; col. 5, lines 55-58; col. 6, lines 1-2, messages are sent to base stations 15a, 15b, 15c through a corresponding a channel).

Boot does not explicitly disclose the wireless communication network, wherein the base station has the option of transmitting the short message directly to a further mobile terminal for output.

However, the preceding limitation is well known in the art of mobile telecommunications.

Lee teaches a short messages service access networks where short message service is provided from one mobile terminal to a base stations and the base station, in turn, transmits the message to another mobile radio for display (col. 2, lines 1-56).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the communication system as taught by Boot by implementing the system with short message service mobile phone, instead of a fixed phone, in order to provide the user with the capability of sending a short message when roaming or moving about places and therefore having an affective connection more securely and efficiently.

Regarding claim 19, Boot teaches the communications method, wherein during inputting, a telephone number is entered together with the short message information, and during the transmitting from the base station, the short message information is transmitted to the TV transmitter unit corresponding to the telephone number (col. 5, lines 16-30 and 57-58; col. 6, lines 1-2, a message is inputted together with its equivalent phone number being called).

Regarding claim 20, Boot teaches the communications method, wherein during transmitting the TV transmission signals, the TV transmission signals corresponding to the short message information are transmitted via a transmission channel reserved for the transmission of short message information to the TV set (col. 5, lines 26-34 and 44-54; col. 6, lines 42-46; col. 7, lines 21-29, the broadcasting signals regarding the message are communicated to TV receivers through a communication channel).

Regarding claim 21, Boot teaches the communications method, wherein the TV transmission signals corresponding to the short message information are transmitted via a transmission channel reserved for a TV program to the TV set (col. 5, lines 26-34 and 44-58; col. 6, lines 42-46; col. 7, lines 21-29, the message is sent through a corresponding channel).

Regarding claim 22, Boot teaches the communications method, wherein during presenting, the short message information is presented in videotext of the corresponding TV program (col. 5, lines 26-34 and 44-58; col. 6, lines 42-46; col. 7, lines 21-29, text may be displayed on a television screen).

Regarding claim 23, Boot teaches the communications method, wherein during presenting, the short message information is inserted into the TV program (col.3, lines 30-37, a message is presented onto the TV display).

Regarding claim 24, Boot teaches the communications method, wherein during presenting, the short message information is presented on the TV set in the form of a permanent local display (col. 5, lines 32-35, text is displayed on the TV screen).

Regarding claim 25, Boot teaches the communications method, wherein during presenting, the short message information is presented on the TV set in the form of a scrolling display (col. 5, lines 31-35, it is inherent as evidenced by the fact that one of ordinary skill in the art would have recognized the fact that the device must have means to visualize a long document by moving the text vertically or horizontally across the screen).

Regarding claim 26, Boot teaches the communications method as claimed in claim 18, wherein during presenting, short message information from different mobile terminals is presented simultaneously on the TV set (col. 5, lines 30-37, messages are presented on the TV screen).

Regarding claim 27, Boot teaches the communications method, wherein the short message information during presenting is presented on the TV set together with a telephone number, which is allocated to the mobile terminal and is used during inputting and transmitting from the mobile terminal to enter and send the short message information (col. 5, lines 16-35, phone number and message is entered onto the mobile device to send a messages).

Regarding claim 28, Boot teaches the communications method, wherein the short message information during inputting is entered via a keypad of the mobile terminal (col. 6, lines 22-26, the mobile terminal has means for entering information).

Allowable Subject Matter

4. Claims 29-34 are allowed.

Prior art has not been found that suggests or renders obvious the limitation of independent claims 30 disclosing a mobile station transmitting a short message to a TV-transmission unit and thereby to a television for displaying the short messages on a television set.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the art with respect to transmitting call requests and short messages

US Pat. No. 5706334 to Balk et al.

Providing graphical control
interface

US Pat. No. 60400958 to Isomursu et al.

Network supporting a plurality of
applications

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio R Perez whose telephone number is (703) 305-8637. The examiner can normally be reached on 7:00 - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 703-306-0003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2681

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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2/4/05

E. L. Moise
EMMANUEL L. MOISE
PRIMARY EXAMINER